

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

POZEN INC.

Plaintiff,

vs.

SUN PHARMA GLOBAL FZE, SUN  
PHARMACEUTICAL INDUSTRIES  
LTD.,

Defendants.

CIVIL ACTION NO. 6: 11-cv-272-LED

PATENT CASE

**JOINT STIPULATION OF DISMISSAL**

WHEREAS, POZEN Inc, ("POZEN") owns United States Patent Nos. 6,060,499, 6,586,458 and 8,022,095 (the "*Patents-in-Suit*") relating to combinations of 5-HT agonists with long acting NSAIDS for the treatment of migraine attacks and currently markets Treximet®, a combination of 85 mg of sumatriptan and 500 mg of naproxen sodium, for the treatment of migraine attacks with or without aura through its exclusive licensee, Glaxo Group Limited, doing business as Glaxo SmithKline;

WHEREAS, Sun Pharma Global FZE has submitted to the United States Food and Drug Administration an Abbreviated New Drug Application No. 202-803, as amended from time to time subsequent to submission, describing its sumatriptan and naproxen sodium combination tablet purportedly bioequivalent to POZEN's Treximet® product for the treatment of migraine attacks with or without aura (the "*Sun ANDA*");

WHEREAS, Sun Pharma Global FZE and Sun Pharmaceutical Industries Ltd. (together, “*Sun*”) and POZEN are engaged in a patent infringement action pending in the United States District Court for the Eastern District of Texas, entitled *POZEN Inc. v. Sun Pharma Global FZE et al.*, Civil Action No. 6:11-cv-272-LED, brought by POZEN pursuant to the provisions of 35 U.S.C. § 271(e)(2)(A) against Sun with respect to the product described in the Sun ANDA;

NOW, THEREFORE, POZEN and Sun stipulate that:

1. The claims of the Patents-in-Suit are valid, enforceable and would be infringed by the product described in the Sun ANDA.
2. All claims and counterclaims asserted by POZEN and against Sun in the above-referenced action are dismissed with prejudice.
3. All claims and counterclaims asserted by Sun and against POZEN in the above-referenced action are dismissed with prejudice.
4. Sun’s Motion to Dismiss First Amended Complaint, or in the alternative, to Transfer Venue is denied as moot.
5. Each party will bear its own costs, expenses and attorneys’ fees in connection with the above-referenced actions.
6. The parties waive any right of appeal from this Stipulation of Dismissal and Order.
7. The Court retains jurisdiction over this Stipulation of Dismissal and Order, in the event of any dispute concerning it.

**SO STIPULATED:**

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<i>Attorneys for Defendants Sun Pharma Global FZE and Sun Pharmaceutical Industries Ltd.</i>	<i>Attorneys for Plaintiff Pozen Inc.</i>

**CERTIFICATE OF SERVICE**

I hereby certify that, on September 16, 2013, a true and correct copy of the foregoing **JOINT STIPULATION OF DISMISSAL** was filed through the Eastern District of Texas' CM/ECF system, and was served by that system on all counsel of record by electronic mail.

*/s/ Stephen M. Hash*

Stephen M. Hash